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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Estados Unidos Mexicanos,

Plaintiff,

vs.

Diamondback Shooting Sports, Inc.,
et al.,

Defendants.

**STATEMENT PURSUANT TO
L.R.CIV. 37.1 OF DISCOVERY
DEFICIENCIES IN DEFENDANT
AMMO A-Z' S RESPONSES AND
OBJECTIONS TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

NO. 4:22-cv-00472-TUC-RM

COMES NOW Plaintiff Estados Unidos Mexicanos ("Plaintiff" or "the Government"), by and through undersigned counsel, and hereby presents this statement of discovery deficiencies in Defendant Ammo A-Z, LLC's Responses and Objections to Plaintiff's First Set of Requests for Production of Documents ("R&Os") as required by L.R.Civ. 37.1(a). Without waiving the many other objections to Defendant's insufficient R&Os—which are currently the subject of consultation between counsel—Plaintiff sets forth this consolidated statement of discovery deficiencies limited to Defendant's erroneous assertions that certain documents are privileged under (1) a federal appropriations rider, known as the Tiahrt Amendment; and (2) "the Arizona Audits Reports Privilege."¹

¹ Though Defendant's R&Os do not mention the Arizona Health and Safety Audit Privilege, Defendant's privilege log, *see* Meiseles Decl., Ex. 10, asserts this privilege over the same

REQUESTS FOR PRODUCTION OF EVIDENCE

1. **Request No. 2:** All documents relating to recording and tracking Your firearm, ammunition, and/or firearm accessory sales, which were kept and/or maintained by You during the Relevant Time Period, including but not limited to: (i) A & D books; (ii) records of sale; and (iii) any computerized, accounting or other system that contains the requested information.

ANSWER RECEIVED: Defendant objects to the term “tracing” as undefined, vague, ambiguous, and subject to multiple meanings. Specifically, “trace” in the context of firearms can refer to actions taken by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“BATFE”) whereby certain information is requested from a firearm seller, or “tracing” can refer, in the common sense, to tracking, outlining, or following. Defendant objects to this request as overly broad, unduly burdensome, seeking irrelevant information, and not proportional to the needs of this case. See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request seeks all documents relating to any of Defendant’s sales of products over a 15-year period, which is overly broad as addressed in Defendant’s Objections to Definitions. Gathering these materials would represent an immense burden, which is unwarranted given the lack of any relevance of such materials beyond in relation to transactions Plaintiff has identified. See ibid. (“[T]he Court ‘need not condone the use of discovery to engage in fishing expeditions.’”) (quoting Rivera v. NIBCO, Inc., 364 F.3d 1057, 1072 (9th Cir. 2004)). Beyond the identified transactions, none of the requested materials are relevant to Plaintiff’s surviving claims. The Government has information regarding firearms recovered in crimes in its country. See, e.g., Tim Swift, Mexican Cartels Supplied With Trafficked Guns From U.S., USA TODAY (May 22, 2024),

documents over which it asserts the Tiahrt Amendment, without differentiating or identifying the documents. Accordingly, throughout this statement, Plaintiff raises these two deficiencies in tandem.

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1 <https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied->
2 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-). Thus, no basis exists for fishing within Defendant's
3 business materials to build a claim. Defendant further objects to this request to the extent the
4 materials requested contain personal information including names, addresses, and telephone
5 numbers of customers. Moreover, such information, including BATFE trace information, and
6 other information Defendant is required to maintain, is protected from disclosure in civil suit.
7 See, e.g., Williams v. Beemiller, Inc., 42 Misc. 3d 438, 442, 975 N.Y.S.2d 647, 650 (Sup. Ct.
8 2013) (“[G]ranting civil litigants and other non-law enforcement parties access to trace
9 inquiries and other ATF information runs afoul of the Tiahrt Amendment's efforts to limit
10 such disclosures to law enforcement agencies. Therefore, trace inquiries and other ATF-
11 related data are immune from discovery and legal process.”). Given the immense breadth of
12 this request, without any attempt to narrow it to what is relevant or preserve privacy interests
13 of Defendant's law-abiding customers, it is clear this request is made for an improper purpose
14 of harassment and increasing the cost of litigation. See Fed. R. 26(g)(1). If Mexico identifies
15 by serial number the guns it has recovered and/or traced, Defendant will endeavor to search
16 and see if it sold such firearm. Without waiving these objections, please see M-AZ-00022
17 through M-AZ-00064.

18 DEFICIENCY: Because this Request does not seek any information from ATF, the
19 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
20 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
21 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
22 applied to certain materials sought from Defendant, at most, it would only apply to documents
23 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
24 privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents
25 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g., A.R.S.*
26 *§12-2323(A)* (the privilege only applies to “an audit report conducted by an organization”);

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id. §12-2321(4) (definition of applicable “organization” conducting an audit does not include government agency); (2) the privilege only applies to a formal audit “that relates to occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the privilege does not apply to “[a] document, communication, datum or report or other information required by a regulatory agency to be collected, developed, maintained or reported under a health or safety law” or “[i]nformation obtained by observation, sampling or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have waived any claims of privilege over communications with ATF and other third parties by virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-2324(B)(3).

2. **Request No. 3:** All documents relating to recording and tracking Your firearm, ammunition, and/or firearm purchases, which were kept and/or maintained by You during the Relevant Time Period, including but not limited to: (i) A& D books; (ii) invoices; (iii) weekly, monthly, or annual purchase summaries; (iv) records of purchase; and (v) contracts with manufacturers, distributors, or dealers, and (vi) any computerized, accounting or other system that contains the requested information.

ANSWER RECEIVED: Defendant objects to this request as overly broad, unduly burdensome, seeking irrelevant information, and not proportional to the needs of this case. See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request seeks all documents relating to any of Defendant’s sales of products over a 15-year period, which is overly broad as addressed in Defendant’s Objections to Definitions. Gathering these materials would represent an immense burden, which is unwarranted given the lack of any relevance of such materials beyond in relation to transactions Plaintiff has identified. See

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1 ibid. Beyond the identified transactions, none of the requested materials are relevant to
 2 Plaintiff's surviving claims. The Government has information regarding firearms recovered
 3 in crimes in its country. See, e.g., Tim Swift, Mexican Cartels Supplied With Trafficked Guns
 4 From U.S., USA TODAY (May 22, 2024),
 5 [https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/)
 6 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis exists for fishing within Defendant's
 7 business materials to build a claim. Moreover, invoices, purchase summaries, records of
 8 purchases, accounting materials, and contracts with manufacturers, distributors, and dealers,
 9 have no relevance to Plaintiff's claims. Defendant further objects to this request to the extent
 10 the materials requested contain personal information including names, addresses, and
 11 telephone numbers of customers. Moreover, such information, including BATFE trace
 12 information, and other information Defendant is required to maintain, is protected from
 13 disclosure in civil suit. See, e.g., Williams, 975 N.Y.S.2d 647, 650. Given the over breadth
 14 of this request, seeking all of Defendant's business records without any attempt to target the
 15 request to what is relevant to Plaintiff's surviving claims, it is clear this request is made for
 16 an improper purpose of harassment, and increasing the cost of litigation. See Fed. R. 26(g)(1).
 17 Without waiving these objections, please see M-AZ-00022 through M-AZ-00064.

18 DEFICIENCY: Because this Request does not seek any information from ATF, the
 19 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
 20 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
 21 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
 22 applied to certain materials sought from Defendant, at most, it would only apply to documents
 23 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
 24 privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents
 25 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S.
 26 §12-2323(A) (the privilege only applies to "an audit report conducted by an organization");

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id. §12-2321(4) (definition of applicable “organization” conducting an audit does not include government agency); (2) the privilege only applies to a formal audit “that relates to occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the privilege does not apply to “[a] document, communication, datum or report or other information required by a regulatory agency to be collected, developed, maintained or reported under a health or safety law” or “[i]nformation obtained by observation, sampling or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have waived any claims of privilege over communications with ATF and other third parties by virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-2324(B)(3).

3. **Request No. 4:** Electronically stored information in a tab-, comma-, or semicolon-delimited ASCII flat text file or similar electronic format sufficient to identify all of Your sales of firearms, ammunition, and firearm accessories during the Relevant Time Period in a transaction-by-transaction format, including but not limited to: (i) time of sale; (ii) date of sale; (iii) location of sale; (iv) employee that made the sale; (v) age, gender, occupation, nationality, and residence of purchaser; (vi) amount of ammunition sold; (vii) number of firearms sold; (viii) caliber and manufacturer, model, and type (e.g., handgun, rifle shotgun, semi-automatic) of each firearm sold; (ix) serial number of each firearm sold; (x) price of firearm and ammunition sold; (xi) any other identifying information related to the purchaser; (xii) information related to purchaser’s criminal history or background check; (xiii) any other information related to the product sold.

ANSWER RECEIVED: Defendant objects to this request as overly broad, unduly burdensome, seeking irrelevant information, and not proportional to the needs of this case.

1 See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request
2 seeks all documents relating to any of Defendant's sales of products over a 15-year period,
3 which is overly broad as addressed in Defendant's Objections to Definitions. Gathering these
4 materials would represent an immense burden, which is unwarranted given the lack of any
5 relevance of such materials beyond in relation to transactions Plaintiff has identified. See
6 ibid. Beyond the identified transactions, none of the requested materials are relevant to
7 Plaintiff's surviving claims. The Government has information regarding firearms recovered
8 in crimes in its country. See, e.g., Tim Swift, Mexican Cartels Supplied With Trafficked Guns
9 From U.S., USA TODAY (May 22, 2024),
10 [https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/)
11 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis exists for fishing within Defendant's
12 business materials to build a claim. Defendant further objects to this request to the extent the
13 materials requested contain personal information including names, addresses, and telephone
14 numbers of customers. Moreover, such information, including BATFE trace information, and
15 other information Defendant is required to maintain, is protected from disclosure in civil suit.
16 See, e.g., Williams, 975 N.Y.S.2d 647, 650. Given the immense breadth of this request,
17 seeking all of Defendant's business records without any attempt to target the request to what
18 is relevant to Plaintiff's surviving claims, it is clear this request is made for an improper
19 purpose of harassment, and increasing the cost of litigation. See Fed. R. 26(g)(1).

20 DEFICIENCY: Because this Request does not seek any information from ATF, the
21 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
22 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
23 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
24 applied to certain materials sought from Defendant, at most, it would only apply to documents
25 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
26 privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents

1 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S.
2 §12-2323(A) (the privilege only applies to “an audit report conducted by an organization”);
3 *id.* §12-2321(4) (definition of applicable “organization” conducting an audit does not include
4 government agency); (2) the privilege only applies to a formal audit “that relates to
5 occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor
6 Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit
7 Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at
8 <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the
9 privilege does not apply to “[a] document, communication, datum or report or other
10 information required by a regulatory agency to be collected, developed, maintained or
11 reported under a health or safety law” or “[i]nformation obtained by observation, sampling
12 or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have
13 waived any claims of privilege over communications with ATF and other third parties by
14 virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-
15 2324(B)(3).

16 4. **Request No. 5:** Electronically stored information in a tab-, comma-, or
17 semicolon-delimited ASCII flat text file or similar electronic format sufficient to identify all
18 of Your purchases of firearms, ammunition, and firearm accessories during the Relevant
19 Time Period in a transaction-by-transaction format, including but not limited to: (i) time of
20 purchase; (ii) date of purchase; (iii) manufacturer, distributor, or other entity You purchased
21 from; (iv) amount of ammunition purchased; (v) number of firearms purchased; (vi) caliber
22 and manufacturer, model, and type (e.g., handgun, rifle shotgun, semi-automatic) of each
23 firearm purchased; (vii) serial number of each firearm purchased; (viii) price of firearm and
24 ammunition purchased; (ix) any other identifying information related to the seller; (x) any
25 other information related to the product purchased.
26

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1 ANSWER RECEIVED: Defendant objects to this request as overly broad, unduly
2 burdensome, seeking irrelevant information, and not proportional to the needs of this case.
3 See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request
4 seeks all documents relating to any of Defendant's purchase of products over a 15-year
5 period, which is overly broad as addressed in Defendant's Objections to Definitions.
6 Gathering these materials would represent an immense burden, which is unwarranted given
7 the lack of any relevance of such materials beyond in relation to transactions Plaintiff has
8 identified. See ibid. Defendant's purchases of firearms and other products is not relevant to
9 Plaintiff's surviving claims nor reasonably tied to any of the claims. Defendant further objects
10 to this request to the extent the materials requested contain personal information including
11 names, addresses, and telephone numbers of suppliers. Moreover, such information,
12 including BATFE trace information, and other information Defendant is required to maintain,
13 is protected from disclosure in civil suit. See, e.g., Williams, 975 N.Y.S.2d 647, 650. Given
14 the immense breadth of this request, seeking all of Defendant's purchase records without any
15 attempt to target the request to what is relevant to Plaintiff's surviving claims, it is clear this
16 request is made for an improper purpose of harassment, and increasing the cost of litigation.
17 See Fed. R. 26(g)(1).

18 DEFICIENCY: Because this Request does not seek any information from ATF, the
19 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
20 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
21 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
22 applied to certain materials sought from Defendant, at most, it would only apply to documents
23 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
24 privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents
25 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g., A.R.S.*
26 §12-2323(A) (the privilege only applies to "an audit report conducted by an organization");

1 *id.* §12-2321(4) (definition of applicable “organization” conducting an audit does not include
 2 government agency); (2) the privilege only applies to a formal audit “that relates to
 3 occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor
 4 Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit
 5 Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at
 6 <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the
 7 privilege does not apply to “[a] document, communication, datum or report or other
 8 information required by a regulatory agency to be collected, developed, maintained or
 9 reported under a health or safety law” or “[i]nformation obtained by observation, sampling
 10 or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have
 11 waived any claims of privilege over communications with ATF and other third parties by
 12 virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-
 13 2324(B)(3).

14 5. **Request No. 6:** All Firearm Transaction Records (ATF Form 4473’s) for all
 15 Firearms listed on the attached Exhibit (Exhibit A)

16 ANSWER RECEIVED: Defendant objects to this request to the extent the materials
 17 requested contain personal information including names, addresses, and telephone numbers
 18 of customers. Moreover, such information, including BATFE trace information, and other
 19 information Defendant is required to maintain, is protected from disclosure in civil suit. See,
 20 e.g., Williams, 975 N.Y.S.2d 647, 650.

21 DEFICIENCY: Because this Request does not seek any information from ATF, the
 22 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
 23 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
 24 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). Nor does the audit privilege in Arizona’s
 25 Health and Safety Audit Privilege Act apply to these documents because (1) ATF conducted
 26 the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S. §12-2323(A) (the privilege

only applies to “an audit report conducted by an organization”); *id.* §12-2321(4) (definition of applicable “organization” conducting an audit does not include government agency); (2) the privilege only applies to a formal audit “that relates to occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the privilege does not apply to “[a] document, communication, datum or report or other information required by a regulatory agency to be collected, developed, maintained or reported under a health or safety law” or “[i]nformation obtained by observation, sampling or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have waived any claims of privilege over communications with ATF and other third parties by virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-2324(B)(3).

6. **Request No. 7:** All Multiple Sales Forms (ATF Form 3310.4) drafted or submitted during the Relevant Time Period.

ANSWER RECEIVED: Defendant objects to this request as overly broad, unduly burdensome, seeking irrelevant information, and not proportional to the needs of this case. See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request seeks all documents relating to any of Defendant’s sales of products over a 15-year period, which is overly broad as addressed in Defendant’s Objections to Definitions. Gathering these materials would represent an immense burden, which is unwarranted given the lack of any relevance of such materials beyond in relation to transactions Plaintiff has identified. See ibid. (“[T]he Court ‘need not condone the use of discovery to engage in fishing expeditions.’”) (quoting Rivera v. NIBCO, Inc., 364 F.3d 1057, 1072 (9th Cir. 2004)). Beyond the identified transactions, none of the requested materials are relevant to Plaintiff’s

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surviving claims. The Government has information regarding firearms recovered in crimes in its country. See, e.g., Tim Swift, Mexican Cartels Supplied With Trafficked Guns From U.S., USA TODAY (May 22, 2024), <https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/>. Thus, no basis exists for fishing within Defendant's business materials to build a claim. Defendant further objects to this request to the extent the materials requested contain personal information including names, addresses, and telephone numbers of customers. Moreover, such information, including BATFE trace information, and other information Defendant is required to maintain, is protected from disclosure in civil suit. See, e.g., Williams, 975 N.Y.S.2d 647, 650. Given the immense breadth of this request, seeking all of Defendant's business records without any attempt to target the request to what is relevant to Plaintiff's surviving claims, it is clear this request is made for an improper purpose of harassment, and increasing the cost of litigation. See Fed. R. 26(g)(1).

DEFICIENCY: Because this Request does not seek any information from ATF, the Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A. Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). Nor does the audit privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S. §12-2323(A) (the privilege only applies to "an audit report conducted by an organization"); *id.* §12-2321(4) (definition of applicable "organization" conducting an audit does not include government agency); (2) the privilege only applies to a formal audit "that relates to occupational health, health or safety," A.R.S. § 12-2321(3) (emphasis added); Floor Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the

1 privilege does not apply to “[a] document, communication, datum or report or other
2 information required by a regulatory agency to be collected, developed, maintained or
3 reported under a health or safety law” or “[i]nformation obtained by observation, sampling
4 or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have
5 waived any claims of privilege over communications with ATF and other third parties by
6 virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-
7 2324(B)(3).

8 7. **Request No. 8:** All Rifle Sales Forms (ATF Form 3310.12) drafted or
9 submitted during the Relevant Time Period.

10 ANSWER RECEIVED: Defendant objects to this request as overly broad, unduly
11 burdensome, seeking irrelevant information, and not proportional to the needs of this case.
12 See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request
13 seeks all documents relating to any of Defendant’s sales of products over a 15-year period,
14 which is overly broad as addressed in Defendant’s Objections to Definitions. Gathering these
15 materials would represent an immense burden, which is unwarranted given the lack of any
16 relevance of such materials beyond in relation to transactions Plaintiff has identified. See
17 ibid. (“[T]he Court ‘need not condone the use of discovery to engage in fishing
18 expeditions.’”) (quoting Rivera v. NIBCO, Inc., 364 F.3d 1057, 1072 (9th Cir. 2004)).
19 Beyond the identified transactions, none of the requested materials are relevant to Plaintiff’s
20 surviving claims. The Government has information regarding firearms recovered in crimes
21 in its country. See, e.g., Tim Swift, Mexican Cartels Supplied With Trafficked Guns From
22 U.S., USA TODAY (May 22, 2024), [https://www.usatoday.com/story/news/investigations/
23 2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis
24 exists for fishing within Defendant’s business materials to build a claim. Defendant further
25 objects to this request to the extent the materials requested contain personal information
26 including names, addresses, and telephone numbers of customers. Moreover, such

1 information, including BATFE trace information, and other information Defendant is
 2 required to maintain, is protected from disclosure in civil suit. See, e.g., Williams, 975
 3 N.Y.S.2d 647, 650. Given the immense breadth of this request, seeking all of Defendant's
 4 business records without any attempt to target the request to what is relevant to Plaintiff's
 5 surviving claims, it is clear this request is made for an improper purpose of harassment, and
 6 increasing the cost of litigation. See Fed. R. 26(g)(1).

7 DEFICIENCY: Because this Request does not seek any information from ATF, the
 8 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
 9 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
 10 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y. 2006). Nor does the audit privilege in Arizona's
 11 Health and Safety Audit Privilege Act apply to these documents because (1) ATF conducted
 12 the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S. §12-2323(A) (the privilege
 13 only applies to "an audit report conducted by an organization"); *id.* §12-2321(4) (definition
 14 of applicable "organization" conducting an audit does not include government agency); (2)
 15 the privilege only applies to a formal audit "that relates to occupational health, health or
 16 safety," A.R.S. § 12-2321(3) (emphasis added); Floor Amendment Explanation, Crandell
 17 Floor Amendment, H.B. 2485, Health and Safety Audit Privilege, 51st Cong., 1st Reg. Sess.
 18 (Ariz. April 9, 2013), available at
 19 <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the
 20 privilege does not apply to "[a] document, communication, datum or report or other
 21 information required by a regulatory agency to be collected, developed, maintained or
 22 reported under a health or safety law" or "[i]nformation obtained by observation, sampling
 23 or monitoring by a regulatory agency," A.R.S. § 12-2326(A); and (4) Defendants have
 24 waived any claims of privilege over communications with ATF and other third parties by
 25 virtue of disclosing the documents without a "confidentiality agreement," A.R.S. § 12-
 26 2324(B)(3).

1 8. **Request No. 9:** All documents reflecting the multiple sale of firearms or
2 ammunition not recorded on ATF Forms 3310.4 or 3310.12.

3 ANSWER RECEIVED: Defendant objects to this request as vague and confusing.
4 Specifically, it is unclear what a “multiple sale” refers to and whether it is multiple sales as
5 part of a single purchase, or across years of a customer’s history with Ammo AZ. Further,
6 “multiple sales of ammunition” is nonsensical as ammunition is only sold as multiple pieces.
7 Defendant objects to this request as overly broad, unduly burdensome, seeking irrelevant
8 information, and not proportional to the needs of this case. See Fed. R. Civ. P. 26(b)(1);
9 Hidalgo, 2023 WL 2705989, at *10. As worded, this request seeks documents relating to
10 Defendant’s sales of products over a boundless period. Gathering these materials would
11 represent an immense burden, which is unwarranted given the lack of any relevance of such
12 materials beyond in relation to transactions Plaintiff has identified. See ibid. Beyond the
13 identified transactions, none of the requested materials are relevant to Plaintiff’s surviving
14 claims. The Government has information regarding firearms recovered in crimes in its
15 country. See, e.g., Tim Swift, Mexican Cartels Supplied With Trafficked Guns From U.S.,
16 USA TODAY (May 22, 2024),
17 [https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/)
18 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis exists for fishing within Defendant’s
19 business materials to build a claim. Defendant further objects to this request to the extent the
20 materials requested contain personal information including names, addresses, and telephone
21 numbers of customers. Moreover, such information, including BATFE trace information, and
22 other information Defendant is required to maintain, is protected from disclosure in civil suit.
23 See, e.g., Williams, 975 N.Y.S.2d 647, 650. In addition, to the extent this request seeks
24 information from Defendant regarding instances where it failed to report to or comply with
25 ATF requirements, it improperly requests self-incrimination. See, e.g., KST Data, Inc. v.
26 DXC Tech. Co., 344 F. Supp. 3d 1132, 1134 (C.D. Cal. 2018) (“[A] person may assert the

1 Fifth Amendment privilege in civil proceedings . . . because there may be adverse
 2 consequences in a different criminal proceeding.”). Given the immense breadth of this
 3 request, seeking all of Defendant’s business records without any attempt to target the request
 4 to what is relevant to Plaintiff’s surviving claims, it is clear this request is made for an
 5 improper purpose of harassment, and increasing the cost of litigation. See Fed. R. 26(g)(1).
 6 Defendant further objects to this request to the extent it seeks irrelevant information related
 7 to sales not identified by Plaintiffs and lacking any relevance to the claims at issue in this
 8 matter.

9 DEFICIENCY: Because this Request does not seek any information from ATF, the
 10 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
 11 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
 12 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
 13 applied to certain materials sought from Defendant, at most, it would only apply to documents
 14 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
 15 privilege in Arizona’s Health and Safety Audit Privilege Act apply to these documents
 16 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S.
 17 §12-2323(A) (the privilege only applies to “an audit report conducted by an organization”);
 18 *id.* §12-2321(4) (definition of applicable “organization” conducting an audit does not include
 19 government agency); (2) the privilege only applies to a formal audit “that relates to
 20 occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor
 21 Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit
 22 Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at
 23 <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the
 24 privilege does not apply to “[a] document, communication, datum or report or other
 25 information required by a regulatory agency to be collected, developed, maintained or
 26 reported under a health or safety law” or “[i]nformation obtained by observation, sampling

1 or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have
2 waived any claims of privilege over communications with ATF and other third parties by
3 virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-
4 2324(B)(3).

5 9. **Request No. 10:** All documents and communications related to the firearm
6 sales identified in Exhibit A or any other suspect sales, straw sales, multiple sales, repeat
7 purchases, sales of assault weapons, .50 cal rifles, belt-fed firearms sold or transferred by
8 You or any Defendant in this litigation, including but not limited to all records of such sales,
9 background checks related to such sales, identification information related to the purchaser,
10 any other information related to the purchaser, and any paper or electronic notes related to
11 such sales.

12 ANSWER RECEIVED: Defendant objects to this request as vague and confusing.
13 “[A]ny other suspect sales” even with definition provided by Plaintiff provides no guidance
14 to Defendant as to what is or is not responsive and seeks information that is not knowable to
15 Defendant. Further, this definition inappropriately seeks mental impressions and work
16 product from Defendant and Defendant’s counsel. In addition, Defendant objects to this
17 request to the extent it references the actions of other Defendants about which Ammo AZ has
18 no knowledge. Defendant further objects to this request as overly broad, unduly burdensome,
19 seeking irrelevant information, and not proportional to the needs of this case. See Fed. R.
20 Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request seeks
21 documents relating to Defendant’s sales of products over a boundless period. Gathering these
22 materials would represent an immense burden, which is unwarranted given the lack of any
23 relevance of such materials beyond in relation to transactions Plaintiff has identified. See
24 ibid. Beyond the identified transactions, none of the requested materials are relevant to
25 Plaintiff’s surviving claims. The Government has information regarding firearms recovered
26 in crimes in its country. See, e.g., Tim Swift, Mexican Cartels Supplied With Trafficked Guns

1 From U.S., USA TODAY (May 22, 2024),
2 [https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/)
3 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexican-cartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis exists for fishing within Defendant's
4 business materials to build a claim. Defendant further objects to this request to the extent the
5 materials requested contain personal information including names, addresses, and telephone
6 numbers of customers. Moreover, such information, including BATFE trace information, and
7 other information Defendant is required to maintain, is protected from disclosure in civil suit.
8 See, e.g., Williams, 975 N.Y.S.2d 647, 650. Given the immense breadth of this request,
9 seeking all of Defendant's sale records for any possibly suspect sales without any attempt to
10 target the request to what is relevant to Plaintiff's surviving claims, it is clear this request is
11 made for an improper purpose of harassment, and increasing the cost of litigation. See Fed.
12 R. 26(g)(1). Without waiving these objections, please see M-AZ-00022 through M-AZ-
13 00064.

14 DEFICIENCY: Because this Request does not seek any information from ATF, the
15 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
16 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
17 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
18 applied to certain materials sought from Defendant, at most, it would only apply to documents
19 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
20 privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents
21 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g., A.R.S.*
22 *§12-2323(A)* (the privilege only applies to "an audit report conducted by an organization");
23 *id.* *§12-2321(4)* (definition of applicable "organization" conducting an audit does not include
24 government agency); (2) the privilege only applies to a formal audit "that relates to
25 occupational health, health or safety," A.R.S. *§ 12-2321(3)* (emphasis added); Floor
26 Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit

1 Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at
2 <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the
3 privilege does not apply to “[a] document, communication, datum or report or other
4 information required by a regulatory agency to be collected, developed, maintained or
5 reported under a health or safety law” or “[i]nformation obtained by observation, sampling
6 or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have
7 waived any claims of privilege over communications with ATF and other third parties by
8 virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-
9 2324(B)(3).

10 **10. Request No. 19:** All documents relating to suspect sales, straw sales, multiple
11 sales, repeat purchases, sales of assault weapons, .50 cal rifles, belt-fed firearms, or the
12 unlawful sale of, diversion of, or trafficking of firearms, the harms caused by such sales and
13 how to identify, report, or mitigate such sales, including but not limited to: (i) any such
14 information received from or sent or issued by a firearms manufacturer, dealer, distributor,
15 trade association, or law enforcement; (ii) any such information obtained or prepared by You;
16 and (iii) any such information received from or sent or issued by government or law
17 enforcement, such as ATF, DOJ, or state or local police departments.

18 ANSWER RECEIVED: Defendant objects to this request as vague and confusing.
19 “[S]uspect sales” even with definition provided by Plaintiff provides no guidance to
20 Defendant as to what is or is not responsive and seeks information that is not knowable to
21 Defendant. Further, this definition inappropriately seeks mental impressions and work
22 product from Defendant and Defendant’s counsel. Defendant further objects to this request
23 as overly broad, unduly burdensome, seeking irrelevant information, and not proportional to
24 the needs of this case. See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As
25 worded, this request seeks documents relating to Defendant’s sales of products over a
26 boundless period. Gathering these materials would represent an immense burden, which is

1 unwarranted given the lack of any relevance of such materials beyond in relation to
2 transactions Plaintiff has identified. See ibid. Beyond the identified transactions, none of the
3 requested materials are relevant to Plaintiff's surviving claims. The Government has
4 information regarding firearms recovered in crimes in its country. See, e.g., Tim Swift,
5 Mexican Cartels Supplied With Trafficked Guns From U.S., USA TODAY (May 22, 2024),
6 [https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-](https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/)
7 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis exists for fishing within Defendant's
8 business materials to build a claim. Defendant further objects to this request to the extent the
9 materials requested contain personal information including names, addresses, and telephone
10 numbers of customers. Moreover, such information, including BATFE trace information, and
11 other information Defendant is required to maintain, is protected from disclosure in civil suit.
12 See, e.g., Williams, 975 N.Y.S.2d 647, 650. Given the immense breadth of this request,
13 seeking all of Defendant's sale records for any possibly suspect sales without any attempt to
14 target the request to what is relevant to Plaintiff's surviving claims, it is clear this request is
15 made for an improper purpose of harassment, and increasing the cost of litigation. See Fed.
16 R. 26(g)(1).

17 DEFICIENCY: Because this Request does not seek any information from ATF, the
18 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
19 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
20 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
21 applied to certain materials sought from Defendant, at most, it would only apply to documents
22 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
23 privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents
24 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S.
25 §12-2323(A) (the privilege only applies to "an audit report conducted by an organization");
26 *id.* §12-2321(4) (definition of applicable "organization" conducting an audit does not include

government agency); (2) the privilege only applies to a formal audit “that relates to occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the privilege does not apply to “[a] document, communication, datum or report or other information required by a regulatory agency to be collected, developed, maintained or reported under a health or safety law” or “[i]nformation obtained by observation, sampling or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have waived any claims of privilege over communications with ATF and other third parties by virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-2324(B)(3).

11. **Request No. 21:** All documents related to the sale of firearms sent to or received from other Defendants in this case, manufacturers, dealers, distributors, trade associations, or other firearms organizations, including marketing or promotional materials and manuals.

ANSWER RECEIVED: Defendant objects to this request as overly broad, unduly burdensome, seeking irrelevant information, and not proportional to the needs of this case. See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As worded, this request seeks all documentation of Defendant’s firearm transfers, purchases, and correspondence over an unlimited timeframe. Gathering these materials would represent an immense burden, which is unwarranted given the lack of any relevance of such materials beyond in relation to transactions Plaintiff has identified. See ibid. (“[T]he Court ‘need not condone the use of discovery to engage in fishing expeditions.’”) (quoting Rivera v. NIBCO, Inc., 364 F.3d 1057, 1072 (9th Cir. 2004)). Beyond the identified transactions, none of the requested materials are relevant to Plaintiff’s surviving claims. The Government has information

1 regarding firearms recovered in crimes in its country. See, e.g., Tim Swift, Mexican Cartels
2 Supplied With Trafficked Guns From U.S., USA TODAY (May 22, 2024),
3 [https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-](https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/)
4 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis exists for fishing within Defendant's
5 business materials to build a claim. Moreover, the requests for invoices, purchase summaries,
6 records of purchases, accounting materials, and contracts with manufacturers, distributors, or
7 dealers, have no relevance to Plaintiff's claims. Defendant further objects to this request to
8 the extent the materials requested contain personal information including names, addresses,
9 and telephone numbers of customers. Moreover, such information, including BATFE trace
10 information, and other information Defendant is required to maintain, is protected from
11 disclosure in civil suit. See, e.g., Williams, 975 N.Y.S.2d 647, 650. Given the immense
12 breadth of this request, seeking all of Defendant's business records without any attempt to
13 target the request to what is relevant to Plaintiff's surviving claims, it is clear this request is
14 made for an improper purpose of harassment, and increasing the cost of litigation. See Fed.
15 R. 26(g)(1). Without waiving these objections, none.

16 DEFICIENCY: Because this Request does not seek any information from ATF, the
17 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
18 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
19 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
20 applied to certain materials sought from Defendant, at most, it would only apply to documents
21 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit
22 privilege in Arizona's Health and Safety Audit Privilege Act apply to these documents
23 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S.
24 §12-2323(A) (the privilege only applies to "an audit report conducted by an organization");
25 *id.* §12-2321(4) (definition of applicable "organization" conducting an audit does not include
26 government agency); (2) the privilege only applies to a formal audit "that relates to

1 occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor
2 Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit
3 Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at
4 <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the
5 privilege does not apply to “[a] document, communication, datum or report or other
6 information required by a regulatory agency to be collected, developed, maintained or
7 reported under a health or safety law” or “[i]nformation obtained by observation, sampling
8 or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have
9 waived any claims of privilege over communications with ATF and other third parties by
10 virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-
11 2324(B)(3).

12 **12. Request No. 24:** All documents and records that You have received or sent to
13 the ATF, any sheriff’s office, and/or other state or federal regulatory agencies related to Your
14 federal firearms license(s) or firearms business, including but not limited to: (i) state and
15 federal licenses to sell firearms, firearm accessories and ammunition at Your store location
16 including but not limited to applications, renewals and supporting documents; (ii) all records,
17 citations, warning letters, reports, inspection reports, corrective actions or other documents
18 issued or provided to You, including any actual or threatened suspension, revocation, or
19 surrender of Your federal firearms licenses; (iii) documents relating to any actual or
20 threatened investigation, in addition to any indictment, arrest, or conviction of an employee
21 or agent of Your store for violation of a law or regulation relating to firearms, ammunition,
22 and or/firearm accessory sales; and (iv) documents and trace requests concerning firearms,
23 ammunition, or firearm accessories sold by Your store.

24 **ANSWER RECEIVED:** Defendant objects to the request for information regarding
25 “threatened” investigation as it calls for speculation. Defendant objects to this request as
26 overly broad, unduly burdensome, seeking irrelevant information, and not proportional to the

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1 needs of this case. See Fed. R. Civ. P. 26(b)(1); Hidalgo, 2023 WL 2705989, at *10. As
2 worded, this request seeks all documents relating to any of Defendant's sales of products over
3 a limitless time period, which is overly broad as addressed in Defendant's Objections to
4 Definitions. Gathering these materials would represent an immense burden, which is
5 unwarranted given the lack of any relevance of such materials beyond in relation to
6 transactions Plaintiff has identified. See ibid. Beyond the identified transactions, none of the
7 requested materials are relevant to Plaintiff's surviving claims. The Government has
8 information regarding firearms recovered in crimes in its country. See, e.g., Tim Swift,
9 Mexican Cartels Supplied With Trafficked Guns From U.S., USA TODAY (May 22, 2024),
10 [https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-](https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/)
11 [trafficked-guns-from-us/73700258007/](https://www.usatoday.com/story/news/investigations/2024/05/22/mexicancartels-supplied-trafficked-guns-from-us/73700258007/). Thus, no basis exists for fishing within Defendant's
12 business materials to build a claim. Defendant further objects to this request to the extent the
13 materials requested contain personal information including names, addresses, and telephone
14 numbers of customers. Moreover, such information, including BATFE trace information, and
15 other information Defendant is required to maintain, is protected from disclosure in civil suit.
16 See, e.g., Williams, 42 Misc. 3d at 442. Given the immense breadth of this request, without
17 any attempt to narrow it to what is relevant or preserve privacy interests of Defendant's law-
18 abiding customers, it is clear this request is made for an improper purpose of harassment and
19 increasing the cost of litigation. See Fed. R. 26(g)(1). Without waiving these objections,
20 please see M-AZ-00075 through M-AZ-00078.

21 DEFICIENCY: Because this Request does not seek any information from ATF, the
22 Tiahrt Amendment, *see* Consol. and Further Continuing Approp. Act, 2012, Pub. L. No. 112-
23 55, 125 Stat. 552, 609-610 (2011), is inapplicable. *See City of New York v. Beretta U.S.A.*
24 *Corp.*, 429 F. Supp. 2d 517, 526 (E.D.N.Y 2006). In addition, even if the Tiahrt Amendment
25 applied to certain materials sought from Defendant, at most, it would only apply to documents
26 that Defendant is required by law to maintain. *See* 125 Stat. at 609-610. Nor does the audit

1 privilege in Arizona’s Health and Safety Audit Privilege Act apply to these documents
2 because (1) ATF conducted the audit, not the Defendants claiming privilege, *see e.g.*, A.R.S.
3 §12-2323(A) (the privilege only applies to “an audit report conducted by an organization”);
4 *id.* §12-2321(4) (definition of applicable “organization” conducting an audit does not include
5 government agency); (2) the privilege only applies to a formal audit “that relates to
6 occupational health, health or safety,” A.R.S. § 12-2321(3) (emphasis added); Floor
7 Amendment Explanation, Crandell Floor Amendment, H.B. 2485, Health and Safety Audit
8 Privilege, 51st Cong., 1st Reg. Sess. (Ariz. April 9, 2013), available at
9 <https://www.azleg.gov/legtext/51leg/1R/adopted/2485CRANDELL1128.pdf>; (3) the
10 privilege does not apply to “[a] document, communication, datum or report or other
11 information required by a regulatory agency to be collected, developed, maintained or
12 reported under a health or safety law” or “[i]nformation obtained by observation, sampling
13 or monitoring by a regulatory agency,” A.R.S. § 12-2326(A); and (4) Defendants have
14 waived any claims of privilege over communications with ATF and other third parties by
15 virtue of disclosing the documents without a “confidentiality agreement,” A.R.S. § 12-
16 2324(B)(3).

1 RESPECTFULLY SUBMITTED this 13th day of September, 2024.

2
3 DECONCINI McDONALD YETWIN & LACY,
4 P.C.

5 By: /s/Ryan O'Neal

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CERTIFICATE OF SERVICE

I, Ryan O’Neal, hereby certify that this document was filed with the Clerk of the Court via CM/ECF. Those attorneys who are registered with the Court’s electronic filing systems may access this filing through the Court’s CM/ECF system, and notice of this filing will be sent to these parties by operation of the Court’s electronic filings system.

Dated: September 13, 2024

/s/ Ryan O’Neal

Ryan O’Neal